

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

January 13, 2004  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Silver, Turner  
Absent: Niemann

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Ryan Haley (Fire), Will Gilleland (Building and Fleet Services) and Neil Gayden (Development Services).

Ron Whitehead, City Manager, announced a Quarterly Update Work Session which has been tentatively set for January 20, 2004 at 6:30 p.m. A Visioning Work Session scheduled for January 28, 2003 has been cancelled and will be re-scheduled.

Mayor Wheeler announced upcoming preparation for the City Manager Evaluation.

### Item #R2 – Consent Agenda

Item #2a was considered separately.

Item #2b – Consideration of approval of construction and authorization of final payment in the amount of \$93,644.76 to Big Sky Construction for the Addison Arts District Pavilion building project. Approved

Item #2c – Consideration of approval of construction and authorization of final payment in the amount of \$27,462.25 to Rebcon, Inc. for the Richard Byrd Drive pavement reconstruction project. Approved

Councilmember Silver moved to duly approve the above listed items. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner

Voting Nay: None

Absent: Niemann

### Item #2a – Approval of the Minutes for the December 9, 2003 Council Meeting.

Councilmember Chow moved to duly approve the Minutes of the December 9, 2003 Council Meeting, subject to a correction to Item #R4 to reflect a motion made by Councilmember Mallory. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R3 – **PUBLIC HEARING** and approval of a preliminary plat for Block A, Lots 1 and 2; Block B, Lots 1-5; Block C, Lot 1; Block D, Lots 1-5 and Block E, Lots 1 and 2, ParkView at Addison Circle Addition, located on 9.016 acres bounded by Morris Avenue on the south, Quorum Drive on the west, a proposed street on the north, and Spectrum Drive on the east, on application from CityHomes, represented by Mr. Robert Jabavi of Brockette/Davis/Drake.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the public hearing.

Councilmember Turner moved to duly approve a preliminary plat for Block A, Lots 1 and 2; Block B, Lots 1-5; Block C, Lot 1; Block D, Lots 1-5 and Block E, Lots 1 and 2, ParkView at Addison Circle Addition, located on 9.016 acres bounded by Morris Avenue on the south, Quorum Drive on the west, a proposed street on the north, and Spectrum Drive on the east, on application from CityHomes, subject to the following conditions:

1. Each 20 ft. Firelane, Utility & Access Easement should be changed to a “20 ft. Firelane, Utility, Drainage & Access Easement” on the Preliminary Plat.
2. Preliminary development drainage and water/sewer plans must be converted into final civil design plans and specifications for construction. These plans must also be accompanied by comprehensive grading and paving plans.
3. Plat should reference Addison Circle in lieu of Addison Place.
4. Design of all facilities adjacent to Spectrum Drive should compliment and be coordinated with proposed street improvements.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Councilmember Chow recused himself from Items #R4 and #R5 and departed from the Council chambers.

Item #R4 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4801 Belt Line Road, Pei Wei Asian Diner, on application from Albert-Addison LLC, represented by Mr. Bob Borson of Birnbaum Magadini Architects.

Mayor Wheeler opened the meeting as a public hearing. Mark Albert, property owner of 4801 Belt Line Road, spoke. There were no further questions or comments. Mayor Wheeler closed the public hearing.

Councilmember Mallory moved to duly pass an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4801 Belt Line Road, Pei Wei Asian Diner, on application from Albert-Addison LLC., subject to the applicant and staff working out the sidewalk and landscaping details and subject to the following conditions:

1. The applicant shall submit a revised landscaping plan for approval by the Parks Director prior to the issuance of a building permit.
2. The screening fence on the north side of the building shall be made of solid metal or stucco panels. The Building Official shall have final approval over the appearance of the fence.
3. The restaurant shall not use the term “bar”, “tavern”, or any equivalent terms or graphic depictions that relate to alcoholic beverages, in exterior signs.
4. If the electrical demand for the building increases over what is currently provided, the electrical service will have to be placed underground.

Councilmember Silver seconded. Councilmember Silver rescinded his second. Councilmember Turner seconded. The motion failed.

Voting Aye: Mallory, Turner  
Voting Nay: Wheeler, Hirsch, Silver  
Absent: Niemann  
Abstaining: Chow

Council asked the applicant and/or staff to provide:

- Plans to indicate building exterior
- Clarification of Sidewalk utilization
- Landscaping Plans
- Utility Plans
- Traffic Safety Analysis

Mayor Wheeler called for another motion. Councilmember Silver moved to table this item. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann  
Abstaining: Chow

Item #R5 – Consideration of approval of a final plat for one lot of .906 acres, located at the northeast corner of Addison Road and Belt Line Road, on application from Albert-Addison L.L.C., represented by Mark Albert.

Councilmember Silver moved to duly approve a final plat for one lot of .906 acres, located at the northeast corner of Addison Road and Belt Line Road, on application from Albert-Addison L.L.C., represented by Mark Albert, subject to the following conditions:

1. Civil design plans and specifications must be approved by the Town for all proposed paving, drainage, grading, water, and sewer improvements on-site and off-site.
2. All landscaping, irrigation, driveway, and sidewalk improvements must be designed and constructed in accordance with proposed parkway improvements on Addison Road.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Silver, Turner

Voting Nay: None

Absent: Niemann

Abstaining: Chow

Councilmember Chow returned to the Council chambers.

Councilmember Niemann arrived at this time.

Item #R6 – **PUBLIC HEARING** and consideration of an Ordinance approving a change of zoning from “LR” (Local Retail) to “PD” (Planned Development), in order to change parking requirements, located on 7.3760 acres at 5000 Belt Line Road, Addison Walk, on application from Direct Development represented by Mr. Mark Henderson.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly pass Ordinance No. 004-001 approving a change of zoning from “LR” (Local Retail) to “PD” (Planned Development), in order to change parking requirements, located on 7.3760 acres at 5000 Belt Line Road, Addison Walk, subject to the following ratios:

Office	1 space per 300 square feet
Retail/Service	1 space per 200 square feet
Restaurant	1 space per 180 square feet

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R7 – Consideration of an Ordinance approving a sign package for the Addison Walk Shopping Center that includes three exceptions: (1) an exception to Section 62-162, (Premise Signs) and Section 62-163 (Area) for signs attached to the building; (2) an exception to Section 62-185, (Specifications) and Section 62-285 (Luminescent Gaseous Tubing) for two pole signs on the perimeter of the property; (3) an exception to Section 62-285 (Luminescent Gaseous Tubing) for a monument sign at the Belt Line Road entrance, located at 5000 Belt Line Road, on application from Direct Development, represented by Mr. Mark Henderson.

Councilmember Niemann moved to duly pass Ordinance No. 004-002 approving a sign package for the Addison Walk Shopping Center that includes three exceptions: (1) an exception to Section 62-162, (Premise Signs) and Section 62-163 (Area) for signs attached to the building; (2) an exception to Section 62-185, (Specifications) and Section 62-285 (Luminescent Gaseous Tubing) for two pole signs on the perimeter of the property; (3) an exception to Section 62-285 (Luminescent Gaseous Tubing) for a monument sign at the Belt Line Road entrance, located at 5000 Belt Line Road, subject to the following conditions:

1. West end sign is to be only 2 foot and the north end sign letters to be 2 ½ foot.
2. Approval of Blade signs, 3 foot letters for all type “A” tenants and 2 foot letters for all type “B” tenants.
3. Approval of design for the pole signs as proposed by the applicant.
4. Exposed luminescent gaseous tubing not approved.
5. Exposed luminescent gaseous tubing on a monument sign not approved.

Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Niemann, Silver, Turner

Voting Nay: Mallory

Absent: None

Item #R8 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 775, on application from Northing But Noodles, represented by Mr. Avi VanGruber.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Mallory moved to duly pass Ordinance No. 004-003 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 775, on application from Nothing But Noodles, subject to the following conditions:

1. The floor plan and elevations shall be revised to add a second exit out of the dining area.

2. The new landscaping for the site shall be installed and the irrigation system for the site inspected prior to the issuance of a Certificate of Occupancy for this restaurant.
3. The applicant shall not use any terms, including the term “bar”, “tavern”, or graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R9 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 3725 Belt Line Road (formerly CC’s Coffee), on application from Dunn Brothers Coffee, represented by Mr. Alan R. Geddie.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 004-004 approving a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 3725 Belt Line Road (formerly CC’s Coffee), on application from Dunn Brothers Coffee, subject to the following conditions:

1. The applicant must meet all requirements of the Food Service Code.
2. The applicant shall not use the term “bar”, “tavern” or any other terms or graphic depictions that relate to alcoholic beverages in any exterior signs.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R10 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Mama Fu’s Noodle House, located at 3711 Belt Line Road, on application from Reynolds Sign.

Councilmember Niemann moved to duly pass ordinance No. 004-005 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Mama Fu’s Noodle House, located at 3711 Belt Line Road, subject to no conditions. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R11 – Consideration of an Ordinance amending the Town of Addison, Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article X, Fences, Section 18-621, Setback Requirements, to exempt municipally owned property from the setback requirement for fences.

Councilmember Mallory moved to duly pass Ordinance No. 004-006 amending the Town of Addison, Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article X, Fences, Section 18-621, Setback Requirements, to exempt property owned by the Town of Addison from the setback requirement for fences. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into an amendment to an advertising agreement with Krause Advertising to provide marketing consultation, creative ad production services, administrative and account oversight for the Town marketing and special events initiatives.

Councilmember Silver moved to duly pass Resolution No. R04-001 authorizing the City Manager to enter into an amendment to an advertising agreement with Krause Advertising to provide marketing consultation, creative ad production services, administrative and account oversight for the Town marketing and special events initiatives, subject to language modification to be included in the agreement which shall read as “Whereas, for 2004, there has been a significant change in the marketing services required; and”.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R13 – Consideration of a Resolution regarding certain matters pertaining to a Ground Lease at Addison Airport between the Town, as Landlord, and Raymond F. Sawtelle, Jr. and Sheila L. Sawtelle, as Tenant, (d/b/a Monarch Air Addison) as follows: (i) approval of First Amendment to Ground Lease (regarding the mortgaging of the leasehold estate of Tenant), and (ii) consent to an estoppel letter to Legacy Bank with regard to a loan to Trey Aviation, a Texas Limited Liability Company, a wholly owned subsidiary of Tenant.

Councilmember Turner moved to moved to duly pass Resolution No. R04-002 approving a Ground Lease at Addison Airport between the Town, as Landlord, and Raymond F. Sawtelle, Jr. and Sheila L. Sawtelle, as Tenant, (d/b/a Monarch Air Addison) as follows: (i) approval of First Amendment to Ground Lease (regarding the mortgaging of the leasehold estate of Tenant), and (ii) consent to an estoppel letter to

Legacy Bank with regard to a loan to Trey Aviation, a Texas Limited Liability Company, a wholly owned subsidiary of Tenant, subject to language modification being made to the amendment that reads "limits the use of the loan to the operation of the tenants business at Addison Airport".

Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R14 – Consideration of an Ordinance amending the Town of Addison Code of Ordinances, Chapter 2, Administration, Article III, Officers and Employers, Division 1, Section 2-74, Entertainment Expenses.

Councilmember Turner moved to duly pass Ordinance No. 004-007 amending the Town of Addison Code of Ordinances, Chapter 2, Administration, Article III, Officers and Employers, Division 1, Section 2-74, Entertainment Expenses, subject to the revision of the language in the policy to reflect approval before incurring expenses. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R15 – Consideration of a Resolution authorizing the staff and Council dinner expenses associated with the Texas Municipal League (TML) conference.

Councilmember Turner moved to duly pass Resolution No. R04-003 authorizing the staff and Council dinner expenses associated with the Texas Municipal League (TML) conference. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary